

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Eugene Priester,)	
)	C.A. No.: 3:07-02787-RBH
Petitioner,)	
)	
vs.)	ORDER
)	
Mildred L. Rivera,)	
)	
Respondent.)	
)	
_____)	

This matter came before the court for review of the Report and Recommendation of United States Magistrate Judge Joseph R. McCrorey, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina. On August 29, 2008, this Court issued an order adopting the Magistrate's Report, since no objections had been filed to the Report and Recommendation. On September 5, 2008, after the deadline for filing objections, the Clerk of this Court received for filing objections by the petitioner to the Report. The Clerk of Court indicated to the undersigned that the objections were initially received on August 25, 2008¹ but that they were not signed. Therefore, they were returned to the petitioner for signature. The signed objections were received by the prison mailroom on September 2, 2008.

There is some question as to whether the objections should be considered timely filed. Due to the confusion on the docket and in the Court records regarding the case and the fact that a *pro se* party is involved, the Court has reviewed the objections. However, the Court finds the

¹ The objections were due on August 22, 2008. The record does not indicate when the petitioner delivered his objections to the prison mailroom.

objections to be without merit for the reasons stated by the Magistrate Judge. The petitioner's objections are overruled and the Court again adopts the Magistrate's Report and Recommendation and incorporates it herein. The motion for summary judgment is again granted.

IT IS SO ORDERED.

s/ R. Bryan Harwell
R. BRYAN HARWELL
United States District Judge

Florence, South Carolina
December 5, 2008